

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

---

**DEDRICK B. SALLIS,**

**Plaintiff,**

**v.**

**Case No. 18-CV-1179**

**TERESA HEIDEMANN, *et al.*,**

**Defendants.**

---

**ORDER**

---

Plaintiff Dedrick B. Sallis is representing himself in this 42 U.S.C. § 1983 lawsuit against the defendants on a claim that they failed to ensure he received proper care when he fell in his cell. On August 16, 2019, the defendants filed a motion for summary judgment. Under the Local Rules, Sallis had 30 days to file his materials in response. Civil L.R. 56(b)(2) (E.D. Wis.). According to the court's records, he has not done so, and he has not otherwise communicated with the court except to update his address.

Sallis's failure to respond to the defendants' motion for summary judgment suggests that he does not oppose the motion. However, the court will give Sallis a final opportunity to respond to the defendants' motion. If he does not do so by the below deadline, the court will grant the motion as unopposed and dismiss the case without prejudice and without further notice to Sallis. *See* Civil L.R. 7(d) (E.D. Wis.)

(“Failure to file a memorandum in opposition to a motion is sufficient cause for the Court to grant the motion.”).


As a reminder, if Sallis responds to the motion, he must address each of the defendants’ proposed facts. He can indicate his agreement with the proposed fact or explain why he disagrees with it. Sallis can also submit his own proposed findings of fact. He must support his disagreement with a particular proposed finding of fact and each of his own proposed findings of fact with evidence—either documents or an affidavit or an unsworn declaration under 28 U.S.C. § 1746.<sup>1</sup> The court reminds Sallis that, if he does not indicate his agreement or disagreement with a proposed finding of fact, the court will conclude for purposes of deciding the summary judgment motion that he agrees with it. Sallis must also respond to the legal arguments regarding summary judgment set forth in the defendants’ brief.

**NOW, THEREFORE, IT IS ORDERED** that, by **October 28, 2019**, Sallis shall either respond to the defendants’ motion for summary judgment or file a letter explaining why he is unable to do so. If the court does not hear from Sallis by that date, the court will grant the defendants’ motion and dismiss this case without prejudice.

---

<sup>1</sup> At the bottom of his declaration he should state: “I declare under penalty of perjury that the foregoing is true and correct. Executed on [date]. [Signature].” 28 U.S.C. §1746(2).

Dated at Milwaukee, Wisconsin this 8th day of October, 2019.

  
WILLIAM E. DUFFIN  
U.S. Magistrate Judge